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2 **UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

4 Justin Weible,

5 Petitioner,

6 v.

7 Joseph Lombardo, et al.,

8 Respondents.

9

Case No.: 2:21-cv-01895-JAD-EJY

**Order Dismissing Improperly Commenced
Habeas Proceeding**

10 Petitioner, a prisoner at the Clark County Detention Center, submitted a petition for writ
11 of habeas corpus under 28 U.S.C. § 2241.¹ He did not, however, file an application to proceed *in*
12 *forma pauperis* or pay the filing fee.² Instead, he included a letter with his submission,
13 indicating that he is sending the filing fee in a separate envelope.³ According to the court's
14 records, however, he has not done so. Consequently, this matter has not been properly
15 commenced

16 As a result, this action will be dismissed without prejudice to the filing of a habeas
17 petition under 28 U.S.C. § 2241 in a new action with either the \$5.00 filing fee or a completed
18 application to proceed *in forma pauperis* on the proper form with both an inmate account
19 statement for the past six months and a properly executed financial certificate.

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22 ¹ ECF No. 1-1.

23 ² See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

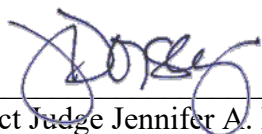
³ ECF No. 1-2.

1 **IT IS THEREFORE ORDERED** that this action is DISMISSED without prejudice to
2 the filing of a petition in a **new** action with either the \$5.00 filing fee or a properly completed
3 application form to proceed *in forma pauperis*. The Clerk is directed to **ENTER JUDGMENT**
4 accordingly and **CLOSE THIS CASE**.

5 **IT IS FURTHER ORDERED** that a certificate of appealability is denied because jurists
6 of reason would not find the court's dismissal of this improperly commenced action without
7 prejudice to be debatable or incorrect.

8 **IT IS FURTHER ORDERED** that the Clerk is directed to **SEND** petitioner two copies
9 each of an application form to proceed *in forma pauperis* for incarcerated persons and a Section
10 2241 habeas petition form, one copy of the instructions for each form, and a copy of the papers
11 that he submitted in this action.

12 Dated: October 25, 2021

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15 U.S. District Judge Jennifer A. Dorsey
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